

## **Executive Order 13331 and Tutor Qualifications**

### **Questions & Answers**

**Q.** What does Executive Order 13331 (“National and Community Service Programs,” signed February 27, 2004) specifically provide concerning national and community service participants who tutor in schools?

**A.** Section 3 (b) (vi) of the executive order states that “national and community service programs based in schools should employ tutors who meet required paraprofessional qualifications, and use such practices and methodologies as are required for supplemental educational services.”

**Q.** Where can the qualification requirements for paraprofessionals be found?

**A.** The No Child Left Behind Act of 2001 and its implementing regulations, codified at 34 C.F.R. § 200.58, set forth the qualification requirements for paraprofessionals.

**Q.** Specifically, to whom do the paraprofessional qualification requirements apply?

**A.** The Department of Education regulations, which implement the No Child Left Behind Act, state that the required qualifications for paraprofessionals apply only to individuals who are hired by a local education agency (LEA) or school and who provide instructional support. The Department of Education has emphasized, however, that even though the qualification requirements for paraprofessionals do not generally apply to volunteers (e.g. national and community service participants), school districts should make every effort to ensure that volunteers who provide instructional support have the information, skills, and training necessary to successfully carry out the activities they are performing.

**Q.** Do the paraprofessional qualification requirements apply to national service participants (who are not employees of the school district) who provide classroom instruction during the school day, or who act as tutors or assist students with their homework in after school programs?

**A.** If the participants are not employees of the school district, the qualification requirements for paraprofessionals under the No Child Left Behind Act do not apply to them; however, programs should make every effort to ensure that volunteers who provide these types of services have the necessary skills and training to successfully perform these activities.

**Q.** Do the paraprofessional qualification requirements apply to Senior Corps participants?

**A.** No. Senior Corps participants are not considered to be employees of the sponsor.

**Q.** Are other national and community service participants considered to be employees?

**A.** National and community service participants are not generally considered to be employees of the programs to which they are assigned. Exceptions are those professional corps programs that have members who are also employees of the programs (e.g. teachers).

**Q.** What does the phrase “programs based in a school” mean in this context?

**A.** “Programs based in a school” means programs in which the LEA or school is the legal sponsor and legal supervisor. A program in which tutors are legally sponsored and supervised by a non-profit organization other than a school does not fit this definition.

**Q.** How does the executive order relate to the tutor requirements in the No Child Left Behind Act and Department of Education regulations?

**A.** The executive order limits the paraprofessional qualification requirements only to those employees of national and community service programs that are based in schools, consistent with the No Child Left Behind Act and current Department of Education regulations. Under all three authorities, national and community service participants would not, absent exceptional circumstances such as professional corps programs, be considered to be subject to the paraprofessional requirements. At the same time, national and community service programs should make every effort to ensure that participants who provide instructional support in schools have the information, skills, and training necessary to successfully carry out the activities they are performing.

**Q.** What action is the Corporation taking to ensure that national and community service participants who want to serve as tutors have the appropriate qualifications?

**A.** The Corporation has published a Federal Register notice (March 4, 2004) indicating its intent to undertake rulemaking in 2004 that will specifically address qualifications for AmeriCorps members serving as reading tutors, as well as requirements for programs engaged in literacy activities. In addition, through training, technical assistance, disseminating best practices, and other

measures, the Corporation is working to ensure that all national and community service participants in Learn & Serve America, Senior Corps, and AmeriCorps who provide instructional support in schools have the information, skills, and training necessary for success.

Q. Do the above requirements change any of the 2004 guidelines for Corporation programs?

A. No; however, see the previous response above concerning the Corporation's intent to undertake rulemaking in 2004.